

## REMARKS

Claims 1-12 are pending. The Examiner rejects claims 1-12 under 35 U.S.C. 112, second paragraph, as being indefinite and claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Singhal (U.S. Patent No. 6,560,568).

Applicants amend claims 1, 7 and 10. Claims 1-12 remain in the application.

Applicants add no new matter and respectfully request reconsideration.

### *Claim Rejections Under § 112*

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1, 7 and 10 were amended and comply with 35 U.S.C. 112, second paragraph.

### *Claim Rejections Under § 103*

This application currently names joint inventors and was commonly owned at the time the inventions were made consistent with the Examiner's presumption.

The Examiner rejected claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Singhal (U.S. Patent No. 6,560,568). The Applicants are confused by the Examiner's comments in the Office Action. Although the Examiner rejected claims 1-12 as obvious over Singhal, the Examiner stated that "*Singhal does not disclose the 'extracting' step, but as shown in paragraphs 1 and 2, it is not understood and would not be obvious to one of normal skill in the art.*" The Applicants agree that Singhal does not so disclose the invention recited in claims 1-12 but the absence of the extracting step (and its non-obvious addition) would necessarily result in allowance and not in rejection under §103. The Applicants ask the Examiner to clarify his comments regarding the reference and/or allow claims 1-12. And the Applicants respectfully request the Examiner to respond with a non-final action until after the Applicants have an opportunity to respond to his more clear comments when they are provided.

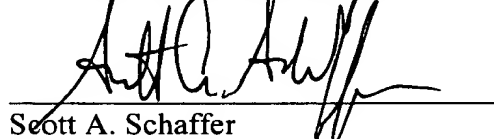
### **Conclusion**

The Applicant requests allowance of all claims as amended. The Applicant encourages the Examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

**Customer No. 20575**

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read 'Scott A. Schaffer', is written over a horizontal line.

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